

Planning Commission

**May 9, 2019
City Hall, Council Chambers
749 Main Street
6:30 PM**

For agenda item detail see the Staff Report and other supporting documents included in the complete meeting packet.

Public Comment will be limited to three (3) minutes per speaker.

1. Call to Order
2. Roll Call
3. Elect Vice Chair
4. Approval of Agenda
5. Approval of Minutes
 - a. April 11, 2019
6. Public Comment on Items Not on the Agenda
7. New Business – Public Hearing Items
 - a. **Sireno Neighborhood Child Care Center SRU:** A request for approval of a Special Review Use to allow a Neighborhood Child Care Center to provide care for up to 12 children at 224 Front Street. (Resolution 8, Series 2019) ***REQUEST TO CONTINUE TO JUNE 13, 2019***
 - Applicant: Front Street Child Care, Denise Ehrmann Sireno
 - Case Manager: Lisa Ritchie, Senior Planner
 - b. **LMC Amendment: Floodplain Map Update:** A request for an amendment to Title 17 of the Louisville Municipal Code concerning adoption of updated flood insurance rate maps and penalty provisions for floodplain and zoning regulations. (Resolution 9, Series 2019)
 - Applicant: City of Louisville
 - Case Manager: Rob Zuccaro, Director of Planning and Building Safety
 - c. **468 S Arthur Wireless Facility SRU:** The applicant has withdrawn this application
8. Planning Commission Comments

9. Staff Comments

10. Items Tentatively Scheduled for the regular meeting June 13, 2019:

- Sign Code Update
- 602 Taylor PUD

11. Adjourn

***Planning Commission
Meeting Minutes
April 11th, 2019
City Hall, Council Chambers
749 Main Street
6:30 PM***

Call to Order – Chair Brauneis called the meeting to order at 6:30 PM.

Roll Call was taken and the following members were present:

Commission Members Present: Steve Brauneis, Chair
Dietrich Hoefner
Keaton Howe
Tom Rice
Jeff Moline

Commission Members Absent: Debra Williams
David Hsu, Vice Chair

Staff Members Present: Rob Zuccaro, Dir of Planning & Building Safety
Lisa Ritchie, Senior Planner
Amelia Brackett, Planning Clerk

APPROVAL OF AGENDA

Howe moved and Moline seconded a motion to approve the April 11th, 2019 agenda.
Motion passed unanimously by voice vote.

APPROVAL OF MINUTES

Rice moved and Moline seconded a motion to approve the March 14th, 2019 minutes.
Motion passed unanimously by voice vote.

PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

None.

DISCUSSION

Draft Sign Code

Ritchie presented the major areas of proposed change to the City's sign code. The goals of the sign code updated were to consolidate the various documents that govern signage, to respond to Supreme Court rulings from 2015 on municipal sign codes, and to bring the sign code in line with reasonable requests that currently require waivers. She summarized feedback from a focus group, an open house, and a survey on Engage Louisville. In general, participants supported marginally larger signs and other possible changes suggested by the review, but the feedback was inconclusive on electronic signs.

PUD Process

Brauneis asked about the difference between “consistency” and “compatibility” in the language and for an explanation on color differentiation requirements.

Ritchie replied that the language matched other waiver criteria meant to ensure that the design was appropriate for the site.

Brauneis observed that “appropriate” was a better word than “compatible” to that end.

Rice suggested getting rid of the “consistent” and just leave “compatible” since “consistent” could be read as “the same” or “nearly the same,” which did not seem to be the intent.

Howe asked if the size of the allowable sign would be based on the size of the lot.

Ritchie and Zuccaro responded that the language was meant to help the signs scale up with the size of the building and the size of the lot.

Howe asked if the language on scale would relate to downtown.

Ritchie agreed that the scale of a downtown project would be different than projects elsewhere in the city, so the “scale” would be different.

Brauneis suggested that “appropriate” would be better than “consistent” for this point, as well.

Rice stated that he liked the first criterion, which demanded “excellence” as a benchmark for obtaining a waiver.

Hoefner suggested looking into the overlap among the four criteria with an eye toward condensing them into fewer points since often the Commission reviewed the list of criteria but then decided on a single point so maybe fewer points would be responsive to that.

Minor Modifications and Master Sign Program

Moline wondered if the incentive for an increase of up to 10% sign area through the Master Sign Program was sufficient.

Brauneis asked for the criteria for someone to be considered part of the Master Sign Program.

Ritchie replied that the Master Sign Program was an option for places with unique signage needs in specific uses and the bonus was meant to encourage excellence in design.

Rice agreed with Commissioner Moline’s point that the incentive should be greater, but asked for the thinking behind the 10% number.

Ritchie replied that the community was okay with signs that were a little bigger. 10% on height would be a lot since the height allowance was already high, but an increase beyond 10% for area could be acceptable. She suggested that they could increase the percentage or they could scale back on the by-right option and leave the 20% on area or scale back on the by-right signage size with the increase to 20% as the incentive.

Brauneis noted that scaling back the by-right seemed like penalizing people who wanted to be involved in the Master Sign Program.

Zuccaro stated that staff would bring additional information on this issue to the Commission.

Areas in Louisville

Ritchie presented the different areas in the sign plan: residential, commercial, industrial, mixed-used, and downtown. She noted that the downtown area was experiencing the least changes to signage criteria, since the City did not receive many waiver requests for the downtown area.

Sandwich board signs

Ritchie asked for feedback on where businesses could put their sandwich boards vis-à-vis the location of their business and allowing sandwich boards outside of downtown.

Rice asked if there were any caps on the total number of sandwich boards and voiced a concern for having too many of them on sidewalks.

Zuccaro replied that the allowances to have a sandwich board away from your storefront would only apply to alley-access businesses and a couple of private pedestrian alleyways downtown. The proposed language did not allow second-story businesses to have sandwich boards. He added that there was no cap on the total number of sandwich boards.

Brauneis thought it was excessive for businesses on Front Street to advertise on Main Street.

Moline asked for the rationale that business owners used to request allowing businesses on other streets to put their signs on Main Street.

Ritchie responded that these businesses largely made the argument that their signs were more effective if they were on Main Street.

Hoefner stated that he was sympathetic to the alley-fronted businesses. While those businesses knew they were going to have to operate in an alley, he liked the character of the alleyways and wanted to help encourage businesses there. He agreed that there should be limitations on where sandwich boards could be.

Rice noted that these could be considered de facto permanent signs even if they had to be taken in every night.

Zuccaro observed that sandwich boards could bring character to an area, but they had to be done right. He asked for commissioner comment on sandwich boards outside of downtown.

Brauneis and Hoefner noted that some existing signs were not of high quality.

Ritchie replied that there were standards for the design of sandwich boards and no plastic boards or letters were permitted.

Rice asked if there was a model community for regulating sandwich boards.

Zuccaro noted that staff had looked into other communities. The proposed language made it explicit how much sidewalk space had to be left unencumbered, what materials the sandwich boards could be, and how far the boards could be from the business in an effort to reduce clutter.

Howe stated that he was sympathetic with the alleyway issue, but also with the tenants who were paying a premium to be on Main Street. He advocated for linking the signs with the businesses spatially, especially since more clutter diluted the ability of other businesses to advertise.

Murals outside of downtown

Rice suggested having more regulations and standards for murals since murals could be bad.

Ritchie replied that the permitting process would ensure that there would be no commercial elements embedded in the art since that would be regulated under different criteria. Staff did not want to get into regulating artistic design.

Zuccaro noted that the City already allowed murals. The only thing that was changing downtown was the allowed size.

Moline asked if the proposed language would allow someone downtown to do an entire side.

Ritchie replied that someone could cover the sides and the back of their buildings, just not on the front.

Hoefner supported keeping it artistically open and observed that tenants with financial interests in a building would not support a bad mural.

Howe asked if there were a board that could evaluate the murals.

Zuccaro replied that public murals could go through a review process, but private artistic endeavors could not be regulated the same way.

Hoefner noted that RiNo in Denver had a number of cool murals that had helped to put the neighborhood on the map.

Flags

Ritchie described the changes to the flag criteria, since they could no longer be regulated by content. The new criteria included size restrictions and number of flag restrictions.

Electronic Message Centers

Ritchie noted that school signs were exempt from City regulations.

Brauneis stated that he felt the fewer of these the better and noted that they could contribute to residential light pollution.

Hoefner stated that gas stations did not bother him but other types of EMCs should go through a PUD. He did not support anything that flashed or moved through images too quickly.

Brauneis noted that the messaging speed for some of these signs was set at an optimal speed to get messages across to people driving by.

Ritchie stated that there are different regulations for not distracting drivers and it was important to consider who they were trying to create a message for.

Moline appreciated the detail, but he was a little worried that enforcement might be difficult and suggested moving some of the criteria to guidelines.

Ritchie responded that staff could dial back some of the specifics if the Commission decided to keep it as a PUD process only.

Rice stated that keeping it as a PUD only would allow City control while also not trying to write a one-size-fits-all set of criteria.

Zuccaro added that the community feedback was generally not comfortable with promoting these kinds of signs.

Brauneis asked about the gas station and menu board signs.

Zuccaro replied that those kinds of signs would be exempted.

Howe stated that making it different for the downtown area was that it was a disadvantage to a business downtown.

Ritchie replied that EMCs were not allowed downtown as menu boards.

Rice stated that the EMCs did not seem “compatible” with downtown. He agreed with Chair Brauneis that he wanted fewer of these signs, not more.

Zuccaro summarized that the Commission suggested keeping it as a PUD only and cutting back on the specificity in the criteria.

Commercial areas

Ritchie encouraged the commissioners to continue thinking about signs they liked and didn't like in the area and let staff know over the next few weeks.

Moline asked if it would be possible to know how many signs would be made non-conforming by these updates.

Ritchie replied that it would be very difficult to evaluate all the signs, but anything existing would be grandfathered in and staff anticipated that more signs would be conforming than non-conforming based on these changes.

Downtown

Brauneis asked for examples of current freestanding signs in Louisville currently.

Zuccaro listed Moxie, the Underground, and the gas station. He explained that freestanding signs might be appropriate for businesses that don't come up to the front property line. He noted that allowing freestanding signs in any case might allow buildings with setbacks of a few feet to add freestanding signs in front of their wall signs.

Rice suggested language offering that applicants could have either a wall sign or a freestanding sign.

Temporary signs

Rice noted that in commercial buildings that don't fill up, signs for rent or sale are effectively permanent. While he did not like the signs usually, their utility was indisputable.

Moline asked about the permit process.

Ritchie responded that staff would have to make sure that the permit section was not regulating print on temporary signs.

Zuccaro noted that staff had considered regulating changes of copy, especially situations with illumination changes. That would not affect the code, but would probably occur over the counter.

Moline observed that there were a lot of regulations related to illumination.

Richtie replied that those regulations attended to impact on neighbors and dark sky impacts.

BRaD Requests

Ritchie informed the Commission of the feedback from the BRaD discussion:

- Consider teardrop banners for Grand Openings
- Murals outside of Downtown and remove % restrictions
- Support sandwich boards outside of downtown
- Concern about allowing alley fronting businesses a sandwich board anywhere within the block
- Allow Electronic Message Centers

- Freestanding signs – reduce minimum building size to get the larger size

Brauneis observed that he thought teardrop banners were cheap and easy to use for businesses so they should not be outright banned.

Howe stated that there was some benefit to the teardrop banners for people who are driving and can give businesses the opportunity to advertise in non-pedestrian areas.

Hoefner voiced a concern about high winds and the teardrop banners.

Moline asked for staff's rationale for not allowing teardrop banners.

Zuccaro replied that he did not think the teardrop banners were considered high-quality sign types, but on a very limited basis they could be okay.

Brauneis asked if the 30-day grand opening counted as a "limited basis."

Ritchie noted that there were some areas that had high turnover and would have these signs more often.

Rice liked the definition section and suggested adding "raceway" and "way-finding" to the list.

Moline suggested that in the non-conforming signage language should regulate based on the area of the sign rather than the cost of the sign as a trigger.

Brauneis stated that the update to the Downtown Sign Guidelines a few years ago was meant to foster creativity and that encouraging creativity was a good idea when possible. He did not want signs to look the same here as they do everywhere else.

Moline stated that the graphics in the staff packet and the way the Code was laid out was user-friendly for laypeople in the community.

Ritchie responded to Commissioner Moline's emailed question, explaining that sign area was calculated using one viewpoint. So for a multidimensional sign where you could view multiple sides at once, whatever the largest surface area was visible from one point, that all counted toward your surface area.

Ritchie also addressed Commissioner Moline's other question about the language "enforced by city manager" and stated that that was typical language for enforcement.

Howe asked if there were exceptions for entry points to the city.

Zuccaro replied that the sign code would not address those issues. The consultant for the Small Area Plans designed entry signs for those plans but they had not been formally adopted or approved.

Hoefner suggested making it explicit in the language that the City wanted to encourage creativity and innovation around signs in the PUD process. General agreement from the Commission.

Zuccaro noted that there was aspirational language in the Downtown Sign Guide and thought that adding that kind of language to the new manual was a good idea.

Ritchie stated that the adoption of the sign code was tentatively on the June agenda and she encouraged the commissioners to reach out to staff with their observations over the coming months.

2019 Planning Commission Work Plan

Brauneis noted that some commissioners had requested this discussion.

Zuccaro referred the commissioners to three documents to guide their discussion of the Commission's 2019 work plan: The Strategic Planning Framework, City Program Goals and Objectives, and the City of Louisville Comprehensive Plan. He noted that takeaways from the Commission's work plan would be funneled into the Council's 2020 work plan. He covered the goals from each of the three guiding documents and invited the Commission to address the following discussion points:

- Study session on topics of interest and additional research from staff?
- Explore and propose zoning or subdivision ordinance amendments?
- Explore Comprehensive Plan Amendments?
- Other ideas beyond the proposed workload?

Rice found the prioritization of the various projects appropriate.

Howe wondered how to approach the redevelopment and economic prosperity issues and if the Commission should be considering these issues on the scale of singular projects, like the McCaslin redevelopment, or considering them more broadly across the city?

Zuccaro replied that the Small Area Plans had been an opportunity to consider making changes to encourage development desires in incorporating those into zoning. The McCaslin study allowed the City to do market analysis in a way that they had not done in the Small Area Plans and, as such, the McCaslin area study would be a case study for those broader processes and considerations.

Howe asked who was responsible for pushing issues of economic development currently.

Zuccaro replied that the City had a staff and a committee for economic development and they were tasked with being the liaison between the business community and City Council. If there were concerns that overlapped with zoning then the Planning Commission should be involved in those discussions.

Howe wondered if there should be an additional box on the priorities list that addressed economic prosperity beyond specific area studies.

Brauneis responded that conducting the McCaslin Area Study first would allow for the City to have more information for future projects.

Moline added that there could be a review process of what worked and did not work in the 2013 Comprehensive Plan.

Zuccaro noted that a number of different things drove land use policy, including neighborhood character and fiscal revenue. The Commission could dive into the fiscal model that staff uses, though generally the Planning Commission does not address those issues. However, understanding market trends and projections, as well as City fiscal operations, might be helpful when the Commission is making its decisions.

Howe suggested that studying economic prosperity, vitality, and sustainability be a high priority overall.

Zuccaro asked what the commissioners envisioned the Commission doing in 2019 and 2020 to address that concern.

Hoefner suggested looking at the Code and seeing if there were regulations that were preventing businesses from setting up shop.

Brauneis replied that that would be a daunting process. The Commission could react to studies like the McCaslin Area Study and could apply lessons from that study to other areas.

Moline suggested using economic prosperity as a focus point when the Commission reviewed the 2020 Comprehensive Plan.

Rice observed that the Commission had to focus its energies to headway and the McCaslin area was one of the main needs affecting the city's economic vitality. He asked when the Commission would see the McCaslin study.

Zuccaro replied that staff was aiming for June and for July or August for the Transportation Master Plan.

Hoefner stated that it had been helpful to see the higher-level view. General agreement.

COMMISSIONER COMMENTS

Moline asked about the status of the southwest corner of South Boulder Road and Highway 42.

Zuccaro replied that staff had worked with Coal Creek Station on the application but had not taken it to Council yet.

STAFF COMMENTS

None.

ITEMS TENTATIVELY SCHEDULED FOR MAY 9TH, 2019

Ritchie noted that the Speedy Sparkle was iffy for making it on the May agenda.

- 468 S Arthur Wireless Facility
- Speedy Sparkle PUD Amendment
- Adoption of updated FIRM floodplain maps
- Sireno Neighborhood Child Care Center – SRU

Adjourn: Rice made motion to adjourn. Howe seconded. Brauneis adjourned meeting at 8:25 PM.

ITEM: SRU-0201-2019; Sireno Neighborhood Childcare
Special Review Use

PLANNER: Lisa Ritchie, Senior Planner

APPLICANT: Denise Ehrmann Sireno

EXISTING ZONING: Residential Median (RM)

LOCATION: 224 Front Street; Lots 10 and 11, Block 9, Murphy Place
Subdivision

TOTAL SITE AREA: 7,074 Square Feet

REQUEST: Approval of Resolution 8, Series 2019 recommending
approval of request for a Special Review Use to allow a
Neighborhood Child Care Center (Use Group #11: Child Care
Center). **REQUEST TO CONTINUE TO JUNE 13, 2019**

VICINITY MAP



STAFF RECOMMENDATION:

Staff recommends that the Planning Commission continue the public hearing for a request for a Special Review Use at 224 Front Street to the June 13, 2019 Planning Commission meeting.

ITEM: Floodplain map and penalties update

PLANNER: Rob Zuccaro, AICP, Planning and Building Safety Director

REQUEST: Approval of Resolution 9, Series 2019, recommending approval of an ordinance amending Chapter 17.56 of the Louisville Municipal Code concerning adoption of an updated Flood Insurance Study and Flood Insurance Rate Maps and addition of a reference to existing penalty provisions for municipal code violations

SUMMARY:

The proposed ordinance adopts and makes effective beginning August 15, 2019 an updated Flood Insurance Study (FIS) for Boulder County and accompanying Flood Insurance Rate Maps (FIRMs) and adds a reference to existing penalties provisions for non-compliance with the City's adopted ordinances. The City regulates new development within 100-year floodplain to minimize flood losses, protect public safety, and promote appropriate use of floodplain property. The City's adoption and enforcement of up-to-date regulations is also part of the City's participation in the National Flood Insurance Program (NFIP) and the NFIP Community Rating System (CRS). Participation in the CRS allows property owners to obtain discounted flood insurance rates. The adoption of the most recent maps and the reference to our existing penalties provisions are necessary to stay in compliance with NFIP requirements and will help to meet the City's goals for floodplain management.

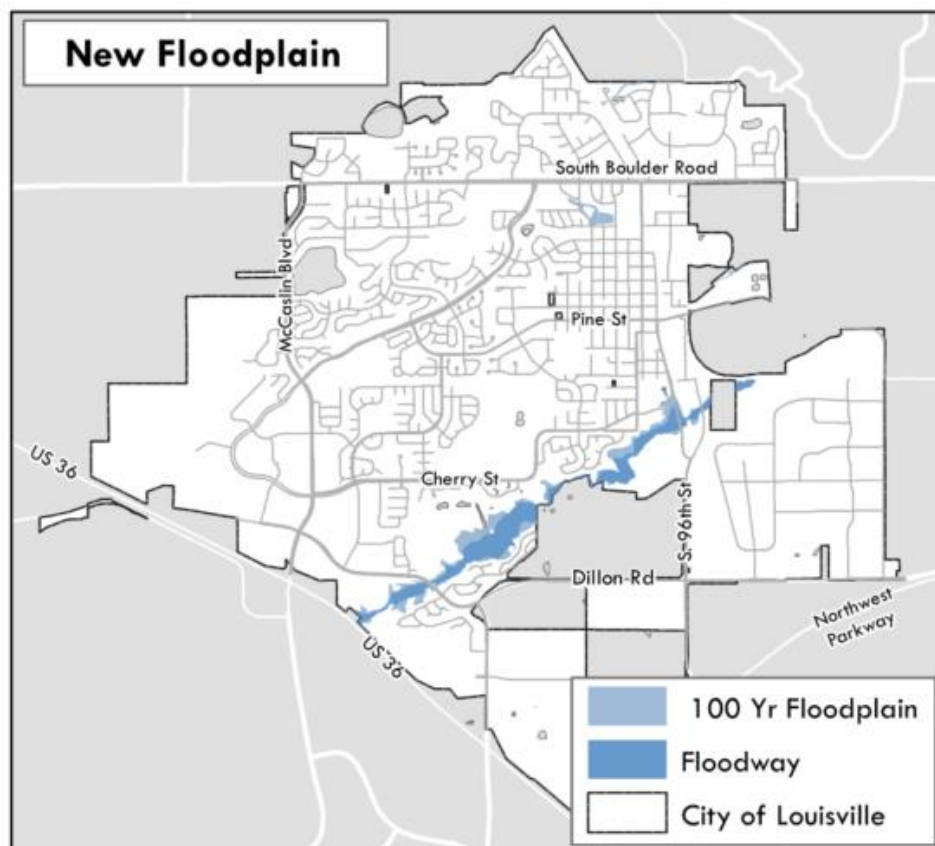
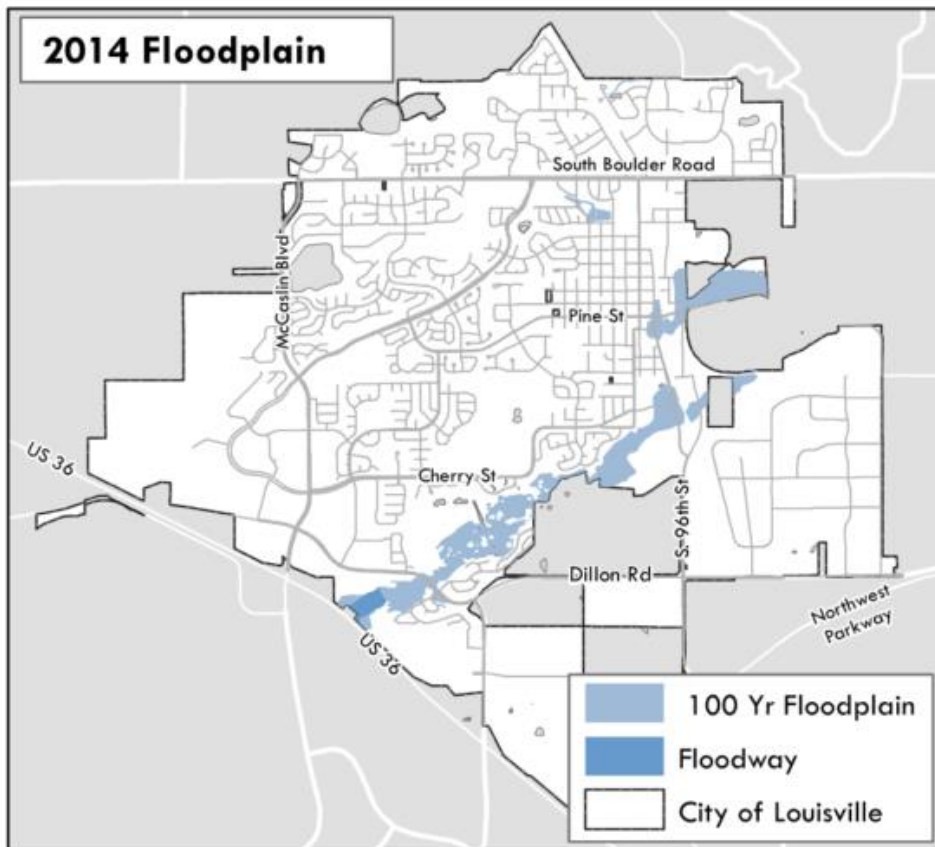
BACKGROUND:

The City's current FIS and FIRM maps have an effective date of December 18, 2012. Several interim map amendments have been made since that time, including removal of the floodplain from most of Downtown and Old Town that occurred in 2018 as a result of a major drainage infrastructure improvements. In addition to reflecting any map amendments since 2012, the new maps include updated mapping of the Coal Creek and Rock Creek corridors. The Coal Creek portion of the map reflects updated survey data and floodplain improvements that have reduced the number of structures located in the floodplain. The new mapping also extends the Floodway data for Coal Creek, which allows for more specific regulatory requirements for those areas. Urban Drainage and Flood Control District (UDFCD) coordinated the revisions to the Coal Creek floodplain.

Adoption of the updated August 15, 2019 FIS and FIRMs follows a multi-year effort that has included opportunities to comment on the study and mapping by the public and local jurisdictions. All property owners within the Coal Creek floodplain were mailed notices and offered an opportunity to review the updated mapping and provide comments prior to finalization of the maps.

The August 15, 2019 FIS and FIRMs can be downloaded from the following link:

[August 15, 2019 FIS and FIRMs](#)



Areas of Increase and Decrease to Coal Creek Floodplain



RECOMMENDATION:

Staff recommends that the Planning Commission approve Resolution 9, Series 2019, recommending approval of an ordinance amending Chapter 17.56 of the Louisville Municipal Code concerning adoption of an updated Flood Insurance Study and Flood Insurance Rate Maps and addition of a reference to existing penalty provisions for municipal code violations

ATTACHMENTS:

- Resolution 9, Series 2019
- Ordinance Amending Chapter 17.56 of the Louisville Municipal Code to Adopt Updated Flood Insurance Rate Maps and to Add Penalty Provision for Violations

**RESOLUTION NO. 9
SERIES 2019**

**A RESOLUTION RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING
CHAPTER 17.56 OF THE LOUISVILLE MUNICIPAL CODE CONCERNING
ADOPTION OF AN UPDATED FLOOD INSURANCE STUDY AND FLOOD
INSURANCE RATE MAPS AND ADDITION OF A REFERENCE TO EXISTING
PENALTY PROVISIONS FOR MUNICIPAL CODE VIOLATIONS**

WHEREAS, Chapter 17.56 of the Louisville Municipal Code contains regulations concerning development in designated flood zones and procedures for approval of such development; and

WHEREAS, controlled development in designated flood zones is necessary to minimize flood losses, protect persons and property, and promote wise use of the floodplain; and

WHEREAS, the Planning Commission has considered the proposal at a duly noticed public hearing on May 9, 2019, where evidence and testimony were entered into the record, including the findings in the Louisville Planning Commission Staff Report dated May 9, 2019.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Louisville, Colorado does hereby recommend approval of an ordinance amending Chapter 17.56 of the Louisville Municipal Code concerning adoption of an updated Flood Insurance Study and Flood Insurance Rate Maps and addition of a reference to existing penalty provisions for municipal code violations.

PASSED AND ADOPTED this 9th day of May, 2019.

By: _____
Steve Brauneis, Chairperson
Planning Commission

Attest: _____
Debra Williams, Secretary
Planning Commission

**ORDINANCE NO. [REDACTED],
SERIES 2019**

**AN ORDINANCE AMENDING CHAPTER 17.56 OF THE LOUISVILLE MUNICIPAL
CODE TO ADOPT AN UPDATED FLOOD INSURANCE STUDY AND FLOOD
INSURANCE RATE MAPS AND TO ADD A REFERENCE TO PENALTY
PROVISIONS FOR VIOLATIONS**

WHEREAS, Chapter 17.56 of the Louisville Municipal Code contains regulations concerning development in designated flood zones and procedures for approval of such development; and

WHEREAS, controlled development in designated flood zones is necessary to minimize flood losses, protect persons and property, and promote wise use of the floodplain; and

WHEREAS, as part of the City's participation in the National Flood Insurance Program, the City is required pursuant to state and federal regulation to incorporate certain floodplain provisions in its municipal code; and

WHEREAS, the Federal Emergency Management Agency (FEMA) has issued a final determination adopting an updated Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRM) for Boulder County, Colorado with an effective date of August 15, 2019; and

WHEREAS, after a duly noticed public hearing held _____, 2019, where evidence and testimony were entered into the record, including the Louisville Planning Commission Staff Report dated _____, 2019, the Louisville Planning Commission has recommended the City Council adopt the amendments to the Louisville Municipal Code set forth in this ordinance; and

WHEREAS, the City Council has provided notice of a public hearing on said ordinance by publication as provided by law and held a public hearing as provided in said notice.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOUISVILLE, COLORADO, THAT:

Section 1. Section 17.56.070 of the Louisville Municipal Code is hereby amended to read as follows (words added are underlined; words deleted are ~~stricken through~~):

Sec. 17.56.070. - Establishment of official maps.

The location and boundaries of areas within the flood regulatory district are identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for Boulder County, Colorado and Incorporated Areas," (FIS) dated ~~December 18, 2012~~, August 15, 2019, with an accompanying flood insurance rate map (FIRM), as adopted and

amended from time to time, which is hereby adopted by reference and declared to be a part of this chapter. These special flood hazard areas identified by the FIS and attendant mapping are the minimum area of applicability of this chapter and may be supplemented by studies designated and approved by city council. Copies of the official map are kept on file with the director of public works, the planning department and the city clerk. The boundary lines on the map shall be determined by the use of the scale appearing on the map. Where there is a conflict between the boundary lines illustrated on the map and actual field conditions, the dispute shall be settled ~~according to~~ in accordance with section 17.56.190.

Section 2. Chapter 17.56 of the Louisville Municipal Code is hereby amended by the addition of a new Section 17.56.270, to read as follows:

Sec. 17.56.270. - Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Failure to comply with the requirements set forth in this chapter shall constitute a violation punishable upon conviction by fine or imprisonment as provided in section 1.28.010 of this code. Nothing herein contained shall prevent the City of Louisville from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 3. This ordinance shall be effective August 15, 2019.

Section 4. If any portion of this ordinance is held to be invalid for any reason such decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 5. The repeal or modification of any provision of the Municipal Code of the City of Louisville by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 6. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portions hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, PASSED ON FIRST READING, AND ORDERED
PUBLISHED** this _____ day of _____, 2019.

Robert P. Muckle, Mayor

ATTEST:

Meredyth Muth, City Clerk

APPROVED AS TO FORM:

Kelly, P.C.
City Attorney

PASSED AND ADOPTED ON SECOND AND FINAL READING this ____ day of _____, 2019.

Robert P. Muckle, Mayor

ATTEST:

Meredyth Muth, City Clerk